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ABSTRACT

While estimates vary, between a third and a half of all children born in the past decade will experience living apart from one of their parents. This shift in family structure forces both the child and the noncustodial parent to make adjustments and develop new strategies to maintain their relationship. This study surveyed the policies of school districts of a midwestern state to determine their stated or implied practices concerning the noncustodial parent. Interview questions asked 77 school districts to reveal their policies for involving noncustodial parents in the educational program of their children, especially with those children experiencing academic problems. Results suggest that in almost one-half of the school districts surveyed, noncustodial parents are excluded from the educational process. A large percentage of school districts did not collect identifying information concerning noncustodial parents and the majority implemented their practices regarding noncustodial parents without written policy guidelines. The argument made by some school districts in support of their policies was that it was the responsibility of the custodial parent to share school information with the noncustodial parent. Another reason used by some districts was that information could be conveyed to the noncustodial parent by the child. Suggestions are offered to assist school districts in developing more innovative practices enabling them to take a leadership role in serving nontraditional families. (LLL)

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The Impact of School Policies on Noncustodial Parents

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Abstract

The present study surveyed the policies of school districts of a midwestern state to determine their stated or implied practices concerning the noncustodial parent. Interview questions asked seventy nine school districts to reveal their policies regarding involving noncustodial parents in the educational program of their children, especially with those children experiencing academic problems. Results suggest that in almost one half of the school districts surveyed, noncustodial parents are excluded from the educational process. A large percentage of school districts did not collect identifying information concerning noncustodial parents and the majority implemented their practices regarding noncustodial parents without written policy guidelines. Suggestions are offered to assist school districts in developing more innovative practices enabling them to take a leadership role in serving nontraditional families.

While estimates vary, between a third and a half of all children born in the past decade will experience living apart from one of their parents. Carlson (1990) citing recent figures indicated that 44% of all children live in a nontraditional family. This is a dramatic increase from only 12% in 1960. These figures are even higher for Blacks, American Indians, and Hispanics (Carlson, 1990; Hetherington, Stanley-Hagan, & Anderson, 1989). The overwhelming majority (90%) of nontraditional families are headed by the biological mother (Menzie, 1989).

This shift in family structure forces both the child and the noncustodial parent to make adjustments and develop new strategies to maintain their relationship. Unfortunately as Furstenberg (1988) indicated there are no clearcut guidelines on assigning parental rights and responsibilities when marriage and parenthood are not coterminous.

The judicial system has been slow to develop clear distinctions between marital dissolution and maintaining effective parenting from both parents that is in the best interests of the child.

As Magid and Oborn (1986) suggested,

> one of the most glaring omissions in the nation's judicial system is the absence of social guidelines governing the implementation of shared parental responsibility in raising future generations (p. 331).

Merely being a visitor in a child's life is painful for both the child and the noncustodial parent. Meaningful time together is often inadequate, distorting the attachment bond and diminishing nurturing potential. Rutter (1972) suggested,

> it is not the separation itself that necessarily disrupts the attachment bonds, but the distortion of those bonds arising when the child is not given the opportunity to maintain a positive relationship with the absent parent (pp. 44-45).

Menzie (1989) emphasized that it is in society's best interest that courts assure the sharing of parental responsibilities and authority and such frequent and meaningful contact with each parent as is in the best interest of the child. States have begun

to recognize the importance of both parents in the lives of their children. Menashe and Hensley (1989) point to the Oregon statue which asserted,

> it is the policy of the state to assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage (p. 19).

Research that focuses on the influence of the noncustodial parent on the child is meager. Those studies that have addressed this topic indicate that children want frequent interaction with the noncustodial parent and that a continued relationship is beneficial to the child as well as the noncustodial parent (Camara & Resnick, 1988; Hetherington, M. Cox & R. Cox, 1978; Johnston, Campbell, & Tall, 1985; Musetto, 1982). Additionally, frequent interaction with the noncustodial parent has a positive effect on the child's post-divorce adjustment. Hess and Camara (1979) found the continued relationship with the

noncustodial parent was as important to the child as the continuing relationship with the custodial parent and maintaining both assisted the child's adjustment to the changes caused by divorce. Heath and Mackinnon (1988) concluded:

> the relationships which emerge following marital disruption are at least as important as the divorce itself...parents who divorce continue to have important roles to play in promoting the social competence of their children (p. 64).

Continued positive relations with both parents has been shown to be beneficial and an important factor in children's successful adjustment to family transitions (Furstenberg, 1988; Hetherington, et al., 1989). Children of divorce often experience a series of family transitions as 75% of divorced mothers and 80% of divorced fathers remarry and divorce rates in remarriages are higher than in first marriages. Involvement with noncustodial parents has been shown to have little negative impact on newly formed step families and may even enhance all relationships especially with boys (Hetherington, et al.).

Schools like many social institutions, have geared their policies to the traditional family (Sparks, 1989). They have found themselves often unprepared or reluctant to respond effectively to the family structures created by separation and divorce. Schools have not developed procedures to adequately address the issues created when parents no longer live in the same home with their children. In one study, 65% of the parents surveyed felt school administrators still assumed both parents lived at home (Clay, 1981).

Schools in not responding or reacting to the increasing divorce rate may have policies which assist in diminishing the relationship between noncustodial parents and their children. Clay (1980) cited several instances of schools prohibiting noncustodial parents access to the educational records of their children. The reluctance of schools to examine their policies in relation to the changing family structure, may be even more crucial for children who are experiencing school problems or are in need of special education services. Guidubaldi, Cleminshaw, Perry & McLoughlin (1983) found that a positive relationship with the noncustodial parent was related to better academic and social

adjustment.

While a plethora of studies have been conducted to identify the impact of divorce upon the child's performance in school (See for example; Guidubaldi, et al (1983); Kaye (1989); Hess and Camara (1979); Clingempeel and Reppucci (1982), no studies have been conducted regarding whether schools have had an impact on the relationship between noncustodial parents and their children. Sparks (1989) suggested "schools can take a leadership role in the community in dealing with the non-traditional family through the development of policy and procedures" (p. 5). This study investigated whether schools have taken a leadership role in encouraging and permitting noncustodial parents to have an active role in their children's education.

METHOD

Subjects

The target population in the present study consisted of public school districts in a large midwestern state. This state's school districts were selected to be randomly surveyed because of the state's Uniform Parentage Act. The act specifies that a parent and child relationship extends equally to all children

and all parents regardless of the marital status of the parents.

Instrumentation

A series of questions were developed to determine how the school district's stated or implied policies concerning noncustodial parents adhered to legal consensus or were designed to encourage participation of noncustodial parents in the education process. Specifically, school districts were requested to provide information regarding their policies and procedures in the area of access to school information, classroom performance, and in the implementation of PL 94-142. The questions were designed and refined using the construction guidelines outlined by Phillips (1966). The question items are provided in Table 1.

Insert Table 1 about here

Procedure

Seventy nine public school districts were identified using randomized sampling procedures. Identified districts were contacted by telephone. The interviewer requested to speak to the administrative

person(s) responsible for establishing school district policies and practices regarding noncustodial parents and ensuring compliance to those guidelines.

Results

All 79 school districts selected for the study were contacted. Of those, the responses of 77 administrators were obtained and used in the data analysis. Two districts were unwilling to participate.

Insert Table 2 about here

School districts were found to be inconsistent in their practices of obtaining identifying information regarding noncustodial parents (see Table 2). In many districts (45%), the registration forms did not provide space for the noncustodial parent's name, address or phone number. Even in those cases where the information was requested, frequently if the custodial parent chose not to provide the information, even when there was no court order denying the noncustodial parent's access rights, districts did not press the custodial parent for the noncustodial parent information.

Insert Table 3 about here

Table 3 illustrates that when school districts were asked if they provided information to the noncustodial parent regarding such data as grade reports, school activities, teacher conferences, and classroom progress, 38% of those districts surveyed indicated they made an attempt to keep noncustodial parents apprised of their children's educational progress. Twenty-four percent indicated they provided such information only if requested by the noncustodial parent. Twenty-five percent of the districts surveyed indicated they only provided information if the custodial parent gave the school permission to inform the noncustodial parent, and 13% indicated that under no circumstances was educational data provided to noncustodial parents.

Insert Table 4 about here

The results, as presented in Table 4, demonstrates that only 15% of the school districts informed

noncustodial parents of their children's referral for psychoeducational assessment. Twenty percent provided information if requested by noncustodial parents, 8% informed noncustodial parents if the custodial parents gave the school their consent and 56% did not inform noncustodial parents of the referral for testing.

Insert Table 5 about here

School districts' policies regarding the noncustodial parent's presence at the Individualized Education Plan (IEP) meeting, followed a pattern similar to when the child was referred for an evaluation (see Table 5). Only 18% of the school districts surveyed routinely invited noncustodial parents to the IEP meeting. Twenty-three percent extended an invitation if requested by the noncustodial parent, 7% invited the noncustodial parent only if approved by the custodial parent and 52% did not invite noncustodial parents.

Insert Table 6 about here

The results as presented in Table 6 evidence that 38% of the school districts surveyed permit noncustodial parents to observe their children's performance in the classroom. Twenty-five percent of the school districts did not permit classroom visitations, 6% permitted observations if requested by the noncustodial parent and, 31% permitted classroom visits only if the custodial parent approved.

Insert Table 7 about here

The results show (see Table 7) that in 60% of the school districts surveyed, the procedures implemented regarding noncustodial parents are being executed without written policy.

DISCUSSION

The results suggest that even though research studies, state guidelines and legal authority have pressed for the equality of both parents regarding parental responsibility, school districts are reluctant to include noncustodial parents in the educational process.

In 1974 the Family Educational Rights and Privacy

Act (FERPA) was enacted. The requirements of the act included some protection for both biological parents regardless of marital status or custody arrangements. One aspect of the act states that unless there is a legally binding document that specifically removes a parent's FERPA rights, both parents have the right of access to their minor child's education records and knowledge about the child's educational progress. FERPA empowers the parents to view and request information but does not require the school to; inform either parent of their child's progress, to provide copies of records, inform noncustodial parents of their FERPA rights, nor to honor their "standing request" for information. FERPA does not address the rights of noncustodial parents to attend teacher conferences. Thus, while the act provides some guidelines for policies and procedures for the treatment of noncustodial parents, they are not far reaching or innovative. Schools are required by this act to do little to encourage noncustodial parents' participation in their children's education. The unfortunate situation created by the 25% of the districts who are willing to provide information, if requested, is that

the law (FERPA) doesn't require noncustodial parents be informed of their right to request such data. Therefore, a percentage of noncustodial parents who are involved with their children and would request school information may not know they can secure educational records. While it is encouraging that 38% of the school districts surveyed have taken the innovative discretionary step of providing educational information to noncustodial parents, the majority of districts have procedures that may inhibit noncustodial parents from receiving information about their children's academic progress.

State legislators have been slow to provide legal guidance for the schools concerning noncustodial parents. Twenty-two states have no statutes delineating the rights of noncustodial parents. Nine states follow the Uniform Marriage and Divorce Act which provides for reasonable visitation but no guidelines regarding the authority of noncustodial parents. Seventeen states adhere to the best interests doctrine which provides noncustodial parents with equal rights as long as they are acting in the best interests of the child. The remaining states require all rights

of noncustodial parents to be specified in the divorce decree, otherwise their rights are limited to emergencies.

Overcast, Sales, & Kesler, (1983) summarized that the position

> some states and courts have taken in encouraging (or at least not discouraging) involvement of the noncustodial parent in decisions regarding the appropriateness of the custodial arrangements, recognizes that he or she has a legitimate interest in the health and welfare of the child (p. 72).

The beneficial effects of maintaining a relationship with the noncustodial parent on the child's academic and social-emotional development is well documented. Greif (1982) indicated that paternal deprivation results in significant difficulty in developmental areas such as sex role identification, academic achievement, cognition and moral development. Clingempeel and Reppucci (1982) in reviewing several studies indicated that the quality of the child's relationship with each parent influences variables such as stress, aggression, work effectiveness and social

relations with peers. A negative relationship with either parent appears to have adverse effects for the child (Hetherington, et al., 1978, 1989). Shybunko (1989) found that enhanced father-child interaction was related to the child's social competence. Magid and Oborn (1986) found that father absence was directly related to a decrease in the emotional development, moral development, discipline and financial decision-making of children living in single-parent homes. Hetherington, et al. (1978) demonstrated that children who maintained contact with the noncustodial parent adopted more conventional sex-role patterns. Wallerstein and Kelley (1980) concluded that infrequent contact with the noncustodial father led to feelings of rejection and lowered self-esteem.

Children who are experiencing significant academic problems are often identified by their teachers who request further psychoeducational assessment to determine the severity of the child's problems. PL 94-142 specifies the procedures required for schools in conducting the identified child's assessment. One requirement is to notify the parents of the evaluation request. While PL 94-142 does not differentiate

between parents based on marital status, clearly the results suggest that over half of the school districts do not inform noncustodial parents that their children are experiencing academic problems and potentially the majority of noncustodial parents may receive no warning of their children's learning problems.

PL 94-142 also requires the results of the multifactor-multidisciplinary assessment be conveyed to the parent and child, if appropriate, at an IEP conference. Again, the majority of noncustodial parents have no access through the schools of obtaining an understanding of their children's school problems or how they can help their children. School policy is often motivated by the fact that in most cases only the custodial parent has legal authority to sign the IEP document indicating acceptance or rejection of the school's recommendations. Unfortunately this practice overtly states to noncustodial parents that it is not important that they be informed. This policy implies noncustodial parents have no potential impact on their children's academic progress. Without first hand information from professionals regarding the child's academic problems and methods best to remediate those

areas of weakness, noncustodial parents are unable to take an active role in helping their children perform better in school. This practice was addressed in Doe v. Anrig (1987). The ruling suggested there may be circumstances where it is inappropriate to rely solely on the custodial parent's consent. Specifically, the court found that a noncustodial parent, who had responsibility for his son's educational expenses, could object to the IEP and that the school district could not rely on the custodial parent's consent without notifying the noncustodial parent.

The argument made by some school districts in support of their policies was that it was the responsibility of the custodial parent to share school information with the noncustodial parent. In some cases, where parents have maintained adult relationships directed toward mutual parenting in the best interests of their children this may work. Unfortunately, many adults carry emotional scars from the divorce and information can be used or withheld as a weapon against the other parent. Additionally, many parents truly do not understand all the comments made by the professionals at the meeting and are unable to

accurately communicate the problem or remediation techniques to the other parent.

Another reason used by some districts was that information could be conveyed to the noncustodial parent by the child. This position carries at least two faults, one, children may have no understanding of their academic problems and two, many children simply don't share school problems with their parents. Allers (1982) summarized the dilemma,

> often in a parent-teacher conference the parent who has custody is the only parent invited to discuss the child. Then that person has the responsibility of carrying back to the child's other parent the information discussed in the conference, with potential for oversight or misrepresentation. This can create poor communication and further problems between the parents. In some cases, none of the information from the conference is given to the child's other parent.... This is detrimental to both the child and the school for two reasons. First, if the child is having a problem, it will be most beneficial to have both parents work together

> toward solving it. Second, if information is withheld from the noncustodial parent, he may feel resentment and hostility toward the other parent and toward the school (p. 93).

School districts which have policies permitting the custodial parent to control the noncustodial parent's access to the child's education records or academic progress without a court order need to re-examine their policies. FERPA does not allow the custodial parent to abridge the rights of the noncustodial parent. Additional legal support for that position can be found in Page v. Rotterdam-Mohonasen Central School District (1981), which held that noncustodial parents cannot be abridged of their access rights even if denied by the custodial parents in writing.

Payne and Kallish (1981) indicated that little legal analysis has been done concerning the access rights of the noncustodial parent following divorce or separation. The custodial parent has great latitude in cooperating or not with the noncustodial parent regarding access to their children.

As Grief (1980) pointed out,

> a custodial parent's decision about access by the noncustodial parent has little, if anything, to do with the best interest of the child. Rather it is a decision made in the best interest of the custodial parent (pp. 52-53).

In Weiss v. Weiss (1981), the court commented,

> that because (custody) is given to one does not necessarily terminate the role of the other as a psychological guardian and preceptor (p 179).

Overcast, et al. (1983) in referring to a Washington case (19 WA App 428) illustrated how the court limits the authority of the custodial parent, "the decision gives her (the custodial parent) primary, not exclusive control over her children's upbringing" (p. 68).

In reviewing legal cases that relate to specific noncustodial parents rights regarding the child's education, Aiello and Humes (1987) concluded "case law indicates that the noncustodial parent has a right to review the child's record and attend conferences even

when the custodial parent has forbid such interaction" (p. 181). In examining the data of this study, school districts have mistakenly permitted custodial parents to inhibit access of noncustodial parents to their children's educational program.

Allers (1982) pointed out that the noncustodial parent is not prevented from participating in school activities designed for parents, unless by court order. He further indicated if noncustodial parents are prohibited from visiting and interacting with their children at school, the school could be held liable. School policies must be designed in such a manner that all parents regardless of marital status are treated in the same manner, except when limited by legal documents. The policies of at least a quarter and as many as one half of the school districts surveyed prohibit school visits by noncustodial parents. These practices restrict them from becoming an active participant in one of their children's major activities, the classroom.

Clearly the results suggest that significant barriers are placed before noncustodial parents by the educational system that inhibit their involvement with

their children's academic career. It is no wonder that noncustodial parents may begin to feel isolated, rejected and that they are no longer viable parents. School policies appear to stifle or abrade the commitment of noncustodial parents to their children. Additionally, school practices may exacerbate the strife created by the divorce between the parents. As Shiller (1986) suggested

> in some public schools, the noncustodial parent is excluded from access to information about the child from both the school records and conversations with the teacher. A policy that impedes rather than facilitates the relationships between the child and either parent aggravates the effect of the divorce (p. 95).

These results indicate that many schools have not taken a leadership role in developing policies and procedures designed to recognize and deal with the nontraditional family. Schools can initiate a variety of actions to include noncustodial parents beyond what is legally mandated and is within their discretion to implement. Schools should make it a point to maintain

records containing information about both parents and update that data on a yearly basis. Schools can make it a practice to not only invite but insist that both parents attend teacher conferences and IEP meetings. If the parents refuse to meet together, separate sessions can be held. Information regarding school functions, activities, and progress reports should be sent to both parents. Schools need to recognize that parents cannot help their children and be a functional part of their lives if they have no information as to what is going on. Knoff (1987) stated:

> teachers and other school officials should attempt to involve both parents in the education of their children (unless of course the project is rejected by one of the parents or prohibited by a court decision or ruling). This may involve duplicate report cards, or progress reports for both parents, separate conference invitations, or two phone calls to communicate positive or negative classroom information. By involving both parents, children of divorce will realize that they are still accountable to both parents and significantly, that both parents care for them and

> feel that their academic development is important (p. 179).

Research needs to examine whether a change in school policy influences the involvement of the noncustodial parent, how personal attributes and behavioral patterns of the child and noncustodial parent interact with continued involvement, how policy changes impact parents of differing economic and ethnic backgrounds and if increased involvement influences the child's post divorce adjustment and school performance. Also, do innovative policies have a differential impact of the noncustodial parent-child relationship based on the child's developmental stage? Hetherington, et al. (1989) stated,

> more research is needed before firm conclusions can be drawn about the effects on children of sustained contact with the noncustodial parent. It is important to note that these effects are likely to be modified by the quality of the relation between the divorced parents and the attributes and behavior of the noncustodial parent (p. 309).

Research results and legal authority are fairly

consistent in their support of maintaining a positive relationship between children and their parents after the dissolution of the marriage. The results of this study suggest school policies may be potentially deleterious to the continued relationship between noncustodial parents and their children. Suggestions were made to assist the schools in taking a leadership role to better address the needs of the child and the nontraditional family. As Wallerstein (1986) suggested, the noncustodial relationship is totally voluntary yet receives little if any support from the social milieu. It is time schools become supportive and assist in maintaining the relationship between children and their noncustodial parents.

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Table 1

Survey Questions

1. Does the school district obtain identifying information of the noncustodial parent such as name, address, telephone number on child's school registration form?
2. Does the school district provide information to the noncustodial parent concerning school activities, grade reports, or teacher conferences?
3. Does the school district inform noncustodial parents of their children's referral for psychoeducational assessment?
4. Does the school district invite noncustodial parents to the Individualized Educational Plan (IEP) meeting?
5. Does the school district permit noncustodial parent to visit their children's classroom?
6. Does the school district have written policy guidelines pertaining to the noncustodial parent?

Table 2

Number and Percent of Districts Who Obtain Identifying Information Regarding the Noncustodial Parent

	District	
Response	n	Percent
Information on registration form	42	55
No identifying information	35	45

Table 3

Number and Percent of Districts Providing the Noncustodial Parent with School Information

	District	
Response	n	Percent
Yes	29	38
No	10	13
If requested by noncustodial	19	24
Only if OK with custodial	19	25

Table 4

Number and Percent of Districts Who Inform the Noncustodial Parent of His/Her Child's Referral for Psychoeducational Assessment

	District	
Response	n	Percent
Yes	12	15
No	43	56
If requested by noncustodial	16	20
Only if OK with custodial	6	8

Table 5

Number and Percent of Districts that invite the Noncustodial Parent to the IEP Meeting

	District	
Response	n	Percent
Yes	14	18
No	40	52
If requested by noncustodial	18	23
Only if OK with custodial	5	7

Table 6

Number and Percent of Districts Permitting the Noncustodial Parent to Visit His/Her Child's Classroom

	District	
Response	n	Percent
Yes	29	38
No	19	25
If requested by noncustodial	5	6
Only if OK with custodial	24	31

Table 7

Number and Percent of School Districts with a Written Policy Regarding the Noncustodial Parent

	District	
Response	n	Percent
Have a written policy	31	40
No written policy	46	60